

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 1782/89

New Delhi, dated the 27th April, 1994

Hon'ble Shri N.V.Krishnan, Vice Chairman (A)
Hon'ble Smt.Lakshmi Swaminathan, M(J)

Shri Malok Singh
Son of late Shri Tarlok Singh
R/o House No.C-38, Police Colony,
Mehram Nagar, New Delhi-110010

... Applicant

(None for the applicant)

Versus

1. Lt.Governor of Delhi through its
Chief Secretary, Delhi Admn.,
Delhi.
2. Commissioner of Police, Delhi
Delhi Police Headquarters, MSO Bldg.,
I.P. Estate, New Delhi.
3. Additional Commissioner of Police (Range)
Delhi Police Headquarters, MSO Bldg.,
I.P. Estate, New Delhi.
4. Deputy Commissioner of Police,
Central District, Near Police Station,
Darya Ganj, Delhi.

... Respondents

(By Advocate MS Ashoka Jain)

O R D E R (ORAL)

(Hon'ble Shri N.V.Krishnan, Vice Chairman (A))

This O.A. is listed at serial No.4 of today cause list with a note to the counsel that the first 10 cases are posted peremptorily for final hearing. Though called twice, neither applicant nor his counsel is present. Mrs Ashoka Jain, appeared for the respondents. We, therefore, heard her and on perusal of the record, we proceed to dispose of this O.A.

(6)

2. The applicant is aggrieved by the punishment of forfeiture of one year's approved service permanently, entailing reduction in pay. Briefly, stated, ~~that~~ disciplinary proceedings were initiated against him and by the Annexure 'D' order dated 16.1.80 of the Deputy Commissioner of Police (Central District), Respondent No. IV, the penalty of forfeiture of one year's approved service permanently entailing reduction in pay was imposed. An appeal was filed against this order before the Additional Commissioner of Police, III respondent, who vide order dated 2.7.80 (Annexure E) dismissed the appeal. Thereafter the applicant preferred a revision petition before the Commissioner of Police (Respondent No. II) which was also dismissed vide order dated 23.1.1981 (Ann. F).

3. Thus, the final order of the competent authority in accordance with Statutory Rules was passed on 23.1.1981. Thereafter, the applicant submitted representation to the Lt. Governor of Delhi. A copy of the representation is not annexed to the O.A. This representation has been rejected by the order dated 28.7.1988 (Ann. G) from the Joint Secretary (Home) Delhi Administration to the Deputy Commissioner of Police, Head quarter with reference to the letter dated 18.8.1981. It would thus appear that representation was filed

before some time) 18.8.1981. OA is filed on 4.9.1989

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4. When the matter came up ~~today~~ before the Bench, the question of delay in filing of the O.A. was raised. Therefore, applicant filed MP 71/90 for condoning the delay. It is stated in the M.P. that the representation to the Lt. Governor Delhi who is the Administrator of Delhi and exercises superintendence over all the departments of the Delhi Administration is competent and hence the rejection of the representation by the Lt. Governor should be taken as commencement of the cause of action. Even, otherwise, it is prayed that if this view is not accepted, the delay be condoned as the applicant would otherwise be put to ~~see~~ the serious loss.

5. We have heard the 1st. counsel for the respondents. She states that statutory rules do not provide for such a representation.

6. This objection is ~~being~~ ^{well} taken because, in so far as the disciplinary action is concerned the Delhi Police (Disciplinary and Appeal) Rules, 1980 provide only for an appeal and a revision. Therefore, if the applicant was aggrieved by the order of the 2nd respondent (Commissioner of Police) dismissing the statutory revision vide order dated 23.1.1981, he should have resorted to the appropriate legal remedies against that order. Representation to the Lt. Governor will not, in any case, extend the period of limitations available to him for approaching the Tribunal.

7. In view of this matter, we ~~satisfy~~ that this application is barred by limitation and accordingly it is dismissed.

Lakshmi Swaminathan
(Lakshmi Swaminathan)
Member (J).

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27.4.84
(N.V.Krishnan)
Vice Chairman (A)